

BYLAW NO 2018-22

OF THE

CITY OF WETASKIWIN

IN THE PROVINCE OF ALBERTA

A BYLAW OF THE CITY OF WETASKIWIN, IN THE PROVINCE OF ALBERTA, TO AMEND BYLAW NO. 1507-01 TO LICENCE AND REGULATE CERTAIN BUSINESSES, ACTIVITIES, AND PERSONS ENGAGED IN BUSINESS WITHIN THE CITY OF WETASKIWIN.

WHEREAS the Municipal Government Act, RSA 2000 Chapter M-26 grants a municipality the authority to regulate and license activities, industries, or businesses.

NOW THEREFORE under the authority of the Municipal Government Act, the Council of the City of Wetaskiwin, in the Province of Alberta, enacts as follows:

TITLE:

1. This Bylaw may be cited as the "Business Licence Amendment Bylaw".

DEFINITIONS

2. In this Bylaw:
 - a. "Mobile Food Vendor" means Travelling or Temporary Food Sales selling food or beverages from place to place, or from a temporary location in any place where the public has an expected right of access, but not including sales to a wholesale or retail dealer in any such goods.
 - b. "Mobile Retail Vendor" means Travelling or Temporary Sales selling goods or services other than food or beverages from place to place, or from a temporary location in any place where the public has an expected right of access, but not including sales to a wholesale or retail dealer in any such goods.
 - c. "Mobile Vendor" means all Mobile Food Vendors and Mobile Retail Vendors.
3. Remove section 11(g): Mobile Food Vendor/Mobile Vendor.
4. Add Section 15: Mobile Vendors
 - a. All Mobile Vendors must obtain a Vendor Licence for each mobile unit and the Licence must always be visible or displayed.
 - b. Mobile vendors are not permitted to conduct business on any public roadway unless the roadway is closed to thru traffic as part of an approved Special Event

- Permit, or they obtain permission from the City of Wetaskiwin and meet the following requirements:
- i. The Mobile Vendor is not located within:
 1. three (3) metres of a building entrance or exit;
 2. six (6) metres of an intersection;
 3. three (3) metres of a back alley or lane;
 - ii. The Mobile Vendor must be oriented toward the sidewalk.
- c. A Mobile Vendor applicant must submit a site plan and obtain approval from the Licence Officer prior to changing their location or deviating from the site schedule provided within their Licence.
- d. A Mobile Vendor shall ensure that during operation, whether on private or public property, the motor vehicle or trailer used by the Mobile Vendor is not parked within:
- i. 10 metres of the property line of any residential development;
 - ii. three (3) metres of another Mobile Food Vendor;
 - iii. Mobile Food Vendors shall not park within 25 metres of an existing eating establishment, unless there is written permission from that business or the Mobile Vendor is part of a Special Event;
 - iv. Mobile Retail Vendors shall not park within 25 metres of a similar retail establishment, unless there is written permission from that business or the Mobile Vendor is part of a Special Event.
- e. For the purposes of subsection (4) the measurement for setbacks from adjacent uses shall be taken from the building, not the property line.
- f. A Mobile Vendor shall not obstruct access to a fire hydrant, driveway, loading zone, or emergency access.
- g. An Application for a Mobile Vendor Licence shall not be considered complete until the following are submitted to the Licence Officer:
- i. Vendor Licence application;
 - ii. Locations of operation and a site plan for each location;
 1. Site Plan Requirements:
 - a. Location of where the Mobile Vendor will operate on the site;
 - b. Location of any temporary seating, tables, garbage disposal containers, temporary signage, or other items relating to the Mobile Vendor.
 - iii. Dates and times the vending unit will be at the listed locations;
 - iv. Letter of consent from property owners of locations of operation;
 - v. Completed inspection from the City of Wetaskiwin Fire Services;

- vi. A picture of the vending unit;
 - vii. Insurance documentation.
- h. In addition to the above, a Mobile Food Vendor must submit:
- i. A Copy of a Food Handling permit.
- i. A Mobile Vendor shall not operate on private property unless they obtain a letter of permission from the property owner.
- j. All permitted vending locations are subject to the following restrictions:
- i. A Mobile Vending Unit must not create any visual or physical obstruction that compromises the safety of pedestrians or limit access to objects and areas including traffic lights, doorways, fire hydrants, driveways, loading zones, emergency access routes, roadways, and roadway shoulders;
 - ii. A Mobile Vending Unit must allow clearance on all sides of the Vending Unit such that pedestrians are able to pass by without congestion easily and safely;
 - iii. Tents and canopies are not permitted to be used as Mobile Vending Units except where permission has been obtained from the City of Wetaskiwin.
- k. Unless the Mobile Vendor is part of an event with an approved Special Event Permit, a Mobile Vendor shall only operate between the hours of:
- i. 6:00 a.m. to 11:00 p.m. Monday to Saturday; and
 - ii. 8:00 a.m. to 10:00 p.m. Sunday or statutory holidays.
- l. A Mobile Vending Unit shall not be left unattended during operation or on-site overnight unless part of an event with an approved Special Event Permit for the latter.
- m. Mobile Vendors shall ensure they provide and maintain garbage disposal containers on any site they operate on.
- n. Mobile Vendors shall ensure that both the site they operate on and any adjacent lands are left in a reasonable state, free from garbage or damage attributed to their operation, following their operation.
- o. There shall be no public consumption of food or beverages within the vehicle or trailer used by a Mobile Food Vendor.
5. Remove the Schedule "C" "Vendor Permit Application Form" from the Business Licence Bylaw.

6. Amend fee schedule to reflect a \$25.00 fee for a 7-day Vendor Licence and a \$100.00 fee for an annual Vendor Licence.
7. Amend Schedule "B" to remove \$100.00 fee for operating within 50 metres of a school.

VICARIOUS LIABILITY

8. For the purpose of this bylaw, an act or omission by an employee or agent for a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent exercising the powers of or performing duties on behalf of the person under their agency relationship.

SEVERABILITY

9. If a court of competent jurisdiction should declare any Section or Subsection of this bylaw to be invalid, such Section or Subsection shall not be construed as having persuaded or influenced Council to pass the remainder of the bylaw, and it is hereby declared that the remainder of the bylaw shall be valid and remain in force.

TRANSITION

10. This bylaw shall come into full force and effect on third and final reading.

READ a first time this 27th day of June, 2022.

READ a second time this 27th day of June, 2022.

Given UNANIMOUS consent to go to third reading on this 27th day of June, 2022.

READ a third time this 27th day of June, 2022.

ORIGINAL SIGNED

TYLER GANDAM, MAYOR

ORIGINAL SIGNED

SUE HOWARD, CITY MANAGER